

REMARKS

In response to the Species Election Requirement mailed on October 19, 2004, Applicants hereby elect, with traverse, the species of Group 1): those claims directed to a golf ball comprising a liquid core.

Applicants submit that this species election pertains at least to the following claims: claims 1, 22, and 41, which the Examiner has indicated are generic. Claims 5, 20-21, 26, 39-40, 46, and 59-60 are withdrawn contingent upon their reinstatement should the Examiner agree with the reasons provided below for traversing the Species Election Requirement.

Applicants respectfully submit that no undue burden would be placed on the Examiner to search the subject matter of all pending claims. Moreover, it is unclear to Applicants what basis the Examiner is relying on to impose a species restriction between the four species. For example, a golf ball with a liquid (or gas-filled) core may also have a moment of inertia (MOI) greater than 0.460 oz-in² or, in the alternative, less than 0.450 oz-in². In fact, as described in the Written Description, a fluid center can be varied to modify various golf ball performance parameters, including the MOI. *See, e.g.*, Written Description at Page 24, lines 22-23. In addition, the cover construction can play a role in determining performance parameters. For instance, a golf ball having a light center and heavy cover has a MOI of greater than 0.460 oz-in², whereas a golf ball having a heavy core and a light cover may have a MOI of less than 0.450 oz-in². *Id.* at Page 27, lines 5-10. Thus, a search of the presently claimed subject matter, based on a liquid core, would necessarily encompass golf balls having MOI in the ranges recited.

Thus, Applicants respectfully request reconsideration and withdrawal of the species election requirement, at least with respect to Species 1), 3), and 4) or Species 2), 3), and 4), and examination on the merits of all the claims.

As provided by 37 C.F.R. § 1.141, Applicants understand that upon allowance of a generic claim, the claims of the non-elected species can be included in the application if written in dependent form or otherwise include all the limitations of an allowed generic claim.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the

pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any additional fee be required, however, please charge such fee to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 20002.0339.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN LLP

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